

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



October 4, 2010

BY E-MAIL AND FIRST CLASS MAIL

Mr. Fred P. Moosally
Director
Alcoholic Beverage Regulation Administration
1250 U Street, N.W., 3rd Floor
Washington, D.C. 20009

RE: Zoning Matters Pertaining to Certain Properties within Southeast Federal Center (The Yards) Zoned SEFC/R-5-D, SEFC/R-5-E and SEFC/W-O

Dear Mr. Moosally:

In response to the attached letter from Greenstein DeLorme & Luchs, on behalf of its client Forest City Washington, please be advised as follows:

Pursuant to 11 DCMR 1804.3, within the SEFC/R-5-D and R-5-E Districts, "preferred uses" listed in § 1807.2 are permitted in accordance with the following:

- (a) Preferred uses shall be provided in any building or structure facing:
 - (i) Tingey Street, S.E., west of 4th Street, S.E., and east of 4th Street, S.E., but in the latter case, and only along the southern side of Tingey Street, S.E., for a length of fifty (50) feet minimum as measured from the west exterior facade of any building or structure constructed on the southeast corner of Tingey St., S.E. and 4th Street, S.E., or
 - (ii) the SEFC/WO District.

With regard to the SEFC/R-5-D and R-5-E Districts, 11 DCMR 1807.2 (i) allows a bar/cocktail lounge and (fff) allows a restaurant as preferred uses. These uses are considered to be "matter of right" and do not require discretionary approval by the Board of Zoning Adjustment.

As to the SEFC/W-O District, 11 DCMR 1805.2 divides the District into two geographic areas known as the "Development Area" and the "Open Space Area." Pursuant to §1805.6 uses in the Open Space Area are limited to predominantly water-related, such as boat launching facility, dock, wharf or pier, and do not include bar/cocktail lounge and restaurant uses but do include public food concession stands/kiosks up to 3,000 sq. ft. if approved by the Zoning Commission.

Letter to Director Moosally
October 4, 2010
Page 2

The preferred uses listed under §1807.2 are permitted in the Development Area which is defined by §1805.3 as being "...the northeastern portion of the SEFC/W-O District, specifically the existing Building 173 and that portion of the SEFC/W-O located directly to the east of Building 173, north of a line extending east from the southern façade of Building 173." As indicated above, a bar/cocktail lounge and restaurant are preferred uses that are permitted in the Development Area.

The portions of the Zone Districts referenced above (i.e., SEFC/R-5-D, SEFC/R-5-E and SEFC/W-O) that permit preferred uses, including bar/cocktail lounge and restaurant, allow residential and non-residential uses.

Please contact the undersigned if you have any questions regarding this matter. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Matthew Le Grant".

Matthew Le Grant
Zoning Administrator

Enclosure

cc: Jacques B. DePuy, Esquire
Lyle M. Blanchard, Esquire

Determination Ltr re Southeast Federal Center to DePuy 10-4-10